

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MILLIMAN, INC.,****Plaintiff,****vs.****KPMG LLP,****Defendant.**

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**8:06CV645****ORDER**

This matter is before the court on the plaintiff's unopposed motion to stay proceedings (Filing No. 21). The plaintiff filed this action to compel compliance with an arbitration subpoena. **See** Filing Nos. 1 and 6. The defendant opposes compliance and filed a motion to dismiss the action (Filing No. 11) and a motion to quash (Filing No. 18) the subpoena. While the pending motions are not yet ready to rule, the plaintiff seeks a stay due to a settlement agreement by the plaintiff in the underlying arbitration action titled ***National Warranty Insurance Risk Retention Group (in official liquidation) v. Milliman, Inc.***, Case No. 50 195 T 00249 05. The plaintiff states such settlement is a Global Settlement and requires court approval. Settlement of the arbitration action would moot the issues before this court. Accordingly, the plaintiff seeks a stay of the motions before this court, pending resolution of the Global Settlement. The plaintiff's motion is not opposed by the defendant. Upon consideration,

**IT IS ORDERED:**

1. The plaintiff's unopposed motion to stay proceedings (Filing No. 21) is granted. The case shall be stayed until further order of this court.
2. Counsel shall file a joint status report concerning the status of this case on **January 10, 2007, and every 30 days thereafter**, such report to include counsel's position(s) concerning whether the stay should continue in effect or whether the stay should be lifted.

DATED this 21st day of November, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge